

Response to First Office Action  
Docket No. 002.0181.US.UTL

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**CENTRAL FAX CENTER**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

AUG 12 2004

5      *In re Application of* )  
      Kouznetsov et al. )  
      Serial No. 09/740,617 )  
      ) Group Art Unit: 2143  
      Filed: December 18, 2000 )  
      ) Examiner: Mitra Kianersi  
10     For: System And Method For Distributing Portable )  
      Computer Virus Definition Records With )  
      Binary File Conversion )

**OFFICIAL**

**RESPONSE TO FIRST OFFICE ACTION**

15     Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

20     Examiner Kianersi:

In response to the Office action mailed on May 12, 2004, for the above-referenced patent application, please consider the following remarks.

Claims 1-20 are pending. No claims have been amended. Claims 1-20 remain in this application.

25     Claims 1-20 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-20 of U.S. Patent No. 6,622,150 ('150), issued on September 16, 2003 to Kouznetsov et al. A Terminal Disclaimer is enclosed disclaiming the terminal part of any patent granted on the instant patent application that would extend beyond the expiration date of the '150

30     patent. Withdrawal of the rejection for double-patenting is respectfully requested.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,357,008, issued to Nachenberg ("Nachenberg"), and further in view of U.S. Patent No. 6,314,425, issued to Serbinis et al. ("Serbinis").

Applicants respectfully traverse the rejection.

35     To establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or